

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL NOTE**

HB 1865 – SB 1828

February 10, 2020

SUMMARY OF BILL: Restores consideration for expunction of misdemeanor fraudulent use of a credit card or debit card (up to \$500) on or after November 1, 1989.

ESTIMATED FISCAL IMPACT:

On January 25, 2020, a fiscal note was issued for this bill estimating a fiscal impact as follows:

NOT SIGNIFICANT

This impact has been determined to be in error. The assumptions have been corrected and the estimated fiscal impact has been corrected as follows:

(CORRECTED)

Increase Local Revenue – Exceeds \$48,700/FY20-21 and Subsequent Years

Corrected Assumptions:

- Pursuant to Tenn. Code Ann. § 40-32-101(g)(1)(B), a person who commits certain crimes is authorized to petition the court for expunction.
- Public Chapter 200 (2019) removed state application fees for applying for expunction; therefore, any increase in petitions for expunctions will not result in a significant fiscal impact to state revenue.
- Pursuant to Tenn. Code Ann. § 8-21-401(d)(2), a court clerk shall charge a fee of \$100 for proceedings related to expungements.
- According to information provided by the Administrative Office of the Courts, there has been an average of 324.6 Class A misdemeanor convictions for the illegal possession or fraudulent use of a credit or debit card at the state court level.
- This analysis assumes that only 10 percent of misdemeanor convictions are at the state court level, resulting in an estimated 3,246 (324.6 / 10%) convictions each year.
- It can be reasonably estimated that at least 15 percent of offenders will seek and be approved for expunction under this legislation each fiscal year, resulting in at least 487 (3,246 x 15%) expunctions annually.
- There will be an increase in local revenue exceeding \$48,700 (487 x \$100) in FY20-21 and subsequent years.
- Any increase in workload to the courts can be accomplished within existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jmg